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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/279,275 07/22/94 WEINER

H 101016104US1

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18N2/1208

EXAMINER

ACHUTAMURTHY, P

ART UNIT

PAPER NUMBER

1818

DATE MAILED:

12/08/97

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
**08/279,275**

Applicant(s)  
**Weiner et al**

Examiner  
**P. Achutamurthy**

Group Art Unit  
**1818**

☒ Responsive to communication(s) filed on Oct 12, 1997

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1, 11-13, 15-18, and 20-26 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1, 11-13, 15-18, and 20-26 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 47, 48

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 1818

### **DETAILED ACTION**

Since this application is eligible for the transitional procedure of 37 CFR 1.129(a), and the fee set forth in 37 CFR 1.17(r) has been timely paid, the finality of the previous Office action is hereby withdrawn pursuant to 37 CFR 1.129(a). Applicant's FIRST submission after final filed on October 12, 1997 has been entered.

Rejections A and C issued in the Office action of 12/11/96 (paper No. 44) are hereby withdrawn in view of the amendment to the claims and applicant's arguments.

However Rejection B (under 35 USC § 112, first paragraph) of claims 1, 2, 9, 11-13, 15-18, as further applied to new claims 21-24, and 26 is maintained for the reasons of record I paper no. 44.

### ***Response to Arguments***

Applicant's arguments filed October 12, 1997 have been fully considered but they are not persuasive.

The Declaration of Dr. Weiner filed October 12, 1997 is acknowledged and appreciated. Both the applicants arguments in the response and the Declaration have been carefully considered but they are not convincing. The arguments are mainly based on the general mechanisms involved in the effect of autoantigens on T-cell responses in autoimmune diseases and several autoantigens have been demonstrated to be effective in treating corresponding autoimmune diseases by the oral administration of the autoantigens. However, as has been maintained before,

Art Unit: 1818


although a general mechanism may be involved in the T-cell mediated responses in an autoimmune disease, there a wide number of autoimmune diseases with divergent etiologies and specific symptoms, demonstration of the oral efficacy of few selected autoantigens is not believed to provide sufficient evidence to warrant patentability of the instant claims which are generically drawn to treatment of any autoimmune disease with a corresponding autoantigen or its fragments.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to P., Achutamurthy whose telephone number is (703) 308-3804. The examiner can normally be reached on Monday-Thursday from 7:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald E. Adams, Ph.D., can be reached on (703) 308-0570. The fax phone number for this Group is (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

pa  
December 7, 1997

  
PONNATHAPURA ACHUTAMURTHY  
PRIMARY EXAMINER  
GROUP 1800